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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,075	12/09/2003	Christian Stricker	TRW(ASG)6884	3739
7590 12/09/2005 TAROLLI, SUNDHEIM, COVELL, TUMMINO & SZABO L.L.P. 1111 LEADER BLDG. 526 SUPERIOR AVENUE CLEVELAND, OH 44114-1400			EXAMINER GOODEN JR, BARRY J	
			ART UNIT 3616	PAPER NUMBER

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,075

Applicant(s)

STRICKER ET AL.

Examiner

Barry J. Gooden Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/2/04 & 4/12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because:

At line 3 "a diffuser which surrounds" should be replaced with "a diffuser, which surrounds".

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Rink et al., US Patent 5,759,219.

In regards to claims 1-5 Rink et al. disclose a gas bag module (30) for a vehicle occupant restraint device, said gas bag module comprising a gas generator and a diffuser (a filter section (32) and a cover) wherein the diffuser (32 and the cover) has a cup-shaped section, surrounding said gas generator (consisting of 34, 36 and an ignitor hereafter "gas generator"), and wherein said cup-shaped section has a gas-permeable filter section (32) consisting of a sintered porous material, said porous material being selected from the group consisting of sintered metal powders, sintered metal fibers and metal foams (column 1, lines 63-65);

in which said filter section (32) is designed such that it acts as a particle filter for gas (G) flowing there through;

wherein said filter section consists (32) of sintered metal fibers with a porosity of 85-95% (column 1, lines 63-67);

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wherein said cup-shaped section (32 and the cover) comprises a side wall (32 also the filter) and a cover, said side wall (32) being formed from said sintered porous material (column 1, lines 63-65); and, wherein that said cup-shaped section (32 and the cover) consists of said sintered porous material.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rink et al. in view of Ishi et al., US Patent 4,068,862.

Rink et al. disclose all of the claimed elements excluding the cup-shaped section being designed as a deformation element. Ishi et al. teach designing a cup shaped section (80) as a deformation element (Figure 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cup-shaped section of Rink et al. in view of the teachings of Ishi et al. to include being designed as a deformation element so as to provide a protective member securable between the airbag and the inflator.

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7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rink et al. in view of Scherzinger et al., US Patent 6,398,255 B1.

Rink et al. disclose all of the claimed elements excluding being mounted so as to oscillate. Scherzinger et al. teach mounting a gas generator so as to be able to oscillate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the gas generator mounting of Rink et al. in view of the teachings of Scherzinger et al. to include being able to oscillate so as to provide a resiliently yielding mounting.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rink et al. in view of Carothers et al., US Patent 5,489,118.

Rink et al. disclose all of the claimed elements excluding: a cup-shaped section having a rim with a laterally projecting ring-shaped flange provided thereon, and at least one fastening element being embedded in said flange. Carothers et al. teach a cup-shaped section (18) having a ring-shaped flange (46) provided thereon, and at least one fastening element ("hooked portions", column 5, line 7) being embedded in said flange (46) and being connected metallurgically to the cup-shaped section (18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cup-shaped section of Rink et al. in view of the teachings of Carothers et al. to include a ring-shaped flange having an embedded and metallurgically connected fastening element so as to provide a simplified connection and "sealingly connect" (column 4, line 65) the cup-shaped section and another portion, for instance the cover of Rink et al.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rink et al. in view of Hock, US Patent 5,876,062.

In regards to claim 9, Rink et al. disclose a gas generator that is surrounded by a cup-shaped diffuser section (32 and the cover); however, Rink et al. do not specifically state that the cup-shaped diffuser section, which contains the sole filter in the vehicle occupant protection device, is a separate

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section, integral to the gas diffuser. Hock teaches a cup-shaped diffuser section (200) (column 10, line 25 – column 11, line 5) being considered separate from yet integral to the gas generator.

Making the cup-shaped diffuser section, which is often considered an integral part of the gas generator, separable from the gas generator, is not considered to be of patentable merit, In re Dulberg.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Barry J Gooden Jr.
Examiner
Art Unit 3616

**ERIC CULBRETH
PRIMARY EXAMINER**

BJG